

REMARKS

Summary of the Office Action

The title stands objected to for not being descriptive.

The receipt of papers for Applicants claim of foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Claims 7-22 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected species and second non-elected group B.

Claims 1-3 and 5-6 stand rejected to under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,043,911 to Yang.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,043,911 to Yang in view of U.S. Patent No. 6,518,555 to Kikuchi et al.

Summary of the Response to the Office Action

Applicants have amended the title of the invention.

Claim 4 has been amended to more particularly point out and distinctly claim the subject matter which the Applicants regards as the invention. Claims 7-22 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-6 are presently pending.

The Title Is Not Objectable

The title stands objected to as not being descriptive. By way of the foregoing Amendment, Applicants have amended the title to be more descriptive of subject matter which the Applicants regards as the invention. Accordingly, Applicant respectfully requests that the objection to the title be withdrawn.

All Claims Comply with 35 U.S.C. § 102

Claims 1-3 and 5-6 stand rejected to under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,043,911 to Yang. To the extent the Examiner considers this rejection to still apply to independent claim 1, it is traversed as being based on a reference that neither describes nor suggests the novel combination of features recited in independent claim 1. For example, independent claim 1 recites an optical pickup apparatus including: “a light emitting device having at least a first light source for emitting a first laser beam and a second light source for emitting a second laser beam having a wavelength different from that of said first laser beam and in which said first and second light sources are closely arranged; an optical system formed with an irradiation optical path for guiding said laser beam toward a recording medium and a reflection optical path for guiding a reflected laser beam by said recording medium toward a photodetector; and a holding member for holding optical parts of said optical system, wherein on said irradiation optical path near an arranging position of said light emitting device, said optical system includes a first grating for allowing said first laser beam to pass as a 0th order light, diffracting said second laser beam, and generating a primary diffracted light having an optical

axis which closely coincides with an optical axis of said first laser beam and a second grating for using the laser beam supplied from said first grating as a main beam and generating sub-beams for generating a tracking error signal according to a three-beam method with respect to said main beam, and said holding member holds a unit in which said light emitting device and said first and second gratings are integrated.”

Yang discloses a two-wavelength light source module including a first laser diode 32 and a second laser diode installed at the upper portion of a stem 30. A cap 36 is provided on the stem 30 that surrounds the laser diodes 32 and 34. A hologram optical element (HOE) 38 is positioned on the upper surface of the cap 36 above the laser diodes 32 and 34. The first laser diode 32 generates a first laser beam B1, and the second laser diode 34 generates a second laser beam B2 having a different wavelength and different optical axis than the first laser beam. The HOE 38 allows the first laser beam B1 generated by first laser diode 32 to pass without change, and diffracts the second light beam B2 from the second laser diode 34, thereby matching a progressive path of the second light beam B2 with that of the first light beam B1.

The Office Action alleges that Yang teaches all of the features recited in independent claim 1. In particular, Office Action asserts that the disk-type prism 38A of Yang is like the first grating recited in independent claim 1. Further, the Office Action asserts that the hologram pattern of Yang is like the second grating recited in independent claim 1. Furthermore, the Office Action asserts that the stem 30 and cap 36 of Yang are like the holding member recited in independent claim 1. Applicants respectfully submit that Yang does not teach or suggest at least the features of claim 1 corresponding to either the first grating, the second grating, or the holding

member, as recited in independent claim 1.

Applicants respectfully assert that the disk-type prism 38A of Yang is not a grating. A prism is a completely different optical element than a grating. If the Examiner persists in maintaining this basis of rejection, Applicants respectfully request further explanation as to how the disk-type prism 38A of Yang is a grating. Accordingly, Applicants respectfully submit that Yang does not teach or suggest all of the features of the first grating recited in independent claim 1.

Applicants submit that the optical element 38B pointed out in the Office Action as the second grating is a hologram pattern formed in the HOE 38. The hologram pattern formed in the HOE 38 of Yang is not a grating, much less a second grating, as recited in independent claim 1. If the Examiner persists in maintaining this basis of rejection, Applicants respectfully request further explanation as to how the hologram pattern formed in the HOE 38 in Yang is a grating. Further, Applicants respectfully assert that Yang does not teach or suggest that a three-beam method is used to generate a tracking error signal because there is no description relating to a tracking system in Yang. Therefore, it is clear that the hologram pattern 38B is not a “grating for using the laser beam supplied from the first grating as a main beam and generating sub-beams for generating a tracking error signal according to a three-beam method with respect to the main beam,” as recited in independent claim 1. Accordingly, Applicants respectfully submit that Yang does not teach or suggest all of the features of the second grating recited in independent claim 1.

Applicants respectfully assert that the two-wavelength light source module 40 of Yang

that includes the first laser diode 32, the second laser diode 34, the stem 30, the cap 36 is unlike the holding member recited in independent claim 1. More particularly, first and second gratings are not integrated into the two-wavelength light source module 40 of Yang. Accordingly, Applicants respectfully submit that Yang does not teach or suggest all of the features of the holding member recited in independent claim 1.

Applicants respectfully submit that the arguments above with regard to independent claim 1 distinguishing over Yang are also applicable to dependent claims 2, 3, 5 and 6 because of their dependence on independent claim 1. Thus, dependent claims 2, 3, 5 and 6 are allowable at least for the same reasons that independent claim 1 is allowable, and for the additional features that they recite. For at least the above reasons, Applicants respectfully request that that 35 U.S.C. § 102(b) rejection of claims 1-3 and 5-6 be withdrawn.

All Claims Comply with 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,043,911 to Yang in view of U.S. Patent No. 6,518,555 to Kikuchi et al. To the extent that the Examiner may consider this rejection to still apply, Applicants respectfully assert that the Kikuchi et al. reference applied in 35 U.S.C. § 103(a) rejection does not cure the deficiencies of Yang as discussed above with regard to independent claim 1. Thus, Applicants respectfully assert that claim 4 is allowable at least because of its dependence on independent claim 1, and for the additional features that it recites. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 4 be withdrawn.

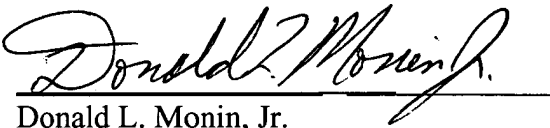
CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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